COCHIN LEGISLATIVE COUNCIL PROCEEDINGS.

(OFFICIAL REPORT)

LEGISLATIVE SESSION OF 1102.

Friday, the $\frac{\textit{25th of February 1927.}}{\textit{13th of Kumbham 1102.}}$

The last meeting of the second sitting of the legislative session of 1102 began in the Town Hall, Ernakulam, at 11-30 a.m. on the 13th of Kumbham 1102 corresponding to the 25th of February 1927. The *ex-officio* President was in the Chair. All the Members, except Messrs. Lonappan Chakkola, A. K. Thoma and H. J. Walmesly, were present.

QUESTIONS AND ANSWERS.

The definition of "Cochinite."

353. Mr. K. T. Mathew.—Will the Government be pleased to state what qualification or qualifications one should have for being recognised as a Cochinite by the Government of Cochin?

Mr. K. Achyuta Menon.—For a person to be called a "Cochinite" in the legal sense, he must be born or domiciled in the Cochin State.

Mr. K. T. Mathew.—Here it is stated "must be domiciled in the Cochin State". May I know how long?

Mr. K. Achyuta Menon.—What is necessary according to law, i. e., that length of time which law requires.

Mr. K. T. Mathew.—May I ask, Sir, which part of the law, which Code, Act or Regulation?

Mr. K. Achyuta Menon.—General International Law.

The attachment of immovable properties.

354. Mr. A. B. Salem.—Will the Government be pleased to state the provision now made by the Government for a party to know what all attachments from Civil Courts exist on any immovable properties in Cochin?

Mr. K. Achyuta Menon.—No special provision. The register of immovables attached is the only record now maintained for the purpose by the Judicial Department. Copies of schedules of attachment are also forwarded to the Taluk Offices,

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But the said register is not open to the public for general inspection, though they are entitled to obtain certified copies of the entries therein nor will it be practicable under the existing arrangement to allow such general inspection.

Mr. A. B. Salem.—Sir, is there no provision for the attachment of immovable property to be made known to the Registrars with respect to the properties in their respective jurisdictions?

Mr. K. Achyuta Menon.—No.

Mr. A. B. Salem.—Is there any difficulty in the way of sending such notices from the courts to the Registrars?

Mr. K. Achyuta Menon.—Courts have to be consulted in the matter.

Mr. A. B. Salem.—When a party attaches an immovable property, is there any difficulty in the way for the courts to send the notice to the Registrars just as transfer of registry is notified, when parties apply? I am only asking whether there is *any* difficulty. When persons take encumbrance certificates, they can have notices of attachment also from the Registrars that such and such properties—Survey numbers so and so—have been attached. Will there be any difficulty in making such a provision?

Mr. K. Achyuta Menon.—I cannot say without consulting the courts in the matter.

Mr. A. B. Salem.—Is there any difficulty in making a departmental provision?

Mr. K. Achyuta Menon.—How can a departmental provision be binding upon courts? They are following *the Civil Procedure Code*. I do not know how the Government can issue instructions to courts?

Mr. A B. Salem.—The Government will request the Registrar of the Chief Court to ask the learned Judges to issue a circular.

Mr. K. Achyuta Menon.—Being a lawyer yourself, I don't think you will make such a request.

President.—This matter will have to be first referred to courts. It is a matter in which the Chief Court should in all propriety be referred to, and on a consideration of their objections, if any, the matter should be decided.

Mr. A. B. Salem.—I am not asking for anything to be done. But I am only bringing the matter to the notice of the Government to take such action as is deemed necessary.

Resolutions received for the Vrischigam meeting.

355. Mr. C. A. Ouseph.—Will the Government be pleased to place a statement on the table showing:—

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